

4 10. (New) The refrigeration system of claim 7, further comprising a secondary conduit for drawing high pressure refrigerant from said receiver around said evaporator to permit harvesting of ice thereon.

5 11. (New) The refrigeration system of claim 7, wherein said high pressure inlet of said heat exchanger is vertically below said high pressure outlet of said heat exchanger, and wherein said low pressure inlet of said heat exchanger is vertically below said low pressure outlet of said heat exchanger.

#### REMARKS

Reconsideration of the above-referenced application is respectfully requested. After entry of the within amendment, 5 claims remain pending in the above-referenced application; being claims numbered 7-11, wherein claim 7 is independent.

#### **I. Objection to the Specification**

At page 2 of the instant Office Action, the Examiner alleges that an abstract is missing from Applicant's specification and objects to Applicant's specification based thereon, citing 37 C.F.R. 1.72(b) in support thereof. Applicant's specification, as amended herein, respectfully submits an Abstract, the language of which was included in an abstract attached to Applicant's provisional patent application serial no. 60/014,883, filed on April 4, 1996, now abandoned, to which the above-referenced application claims priority under 35 U.S.C. 119(e). Accordingly, no new matter has been added and Applicant respectfully requests the Examiner to withdraw the objection to the specification.

## II. Claim Rejections Under 35 U.S.C. 112 and 35 U.S.C. 103

At pages 2-3 of the instant Office Action, the Examiner alleges that claims 1-3 are indefinite for failing to particularly point out and distinctly claiming the subject matter which Applicant regards as his invention, and rejects said claims 1-3 under 35 U.S.C. 112, second paragraph. Claims 1-3 have been canceled herein; thus, Applicant respectfully submits that the Examiner's rejection of claims 1-3 under 35 U.S.C. 112, second paragraph, is moot. Moreover, Applicant respectfully submits that new claims 7-11 particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

At pages 3-4 of the instant Office Action, the Examiner alleges that claims 1 and 2 are obviated by either U.S. Patent No. 534,859 to Cook, et al. ("Cook") or U.S. Patent No. 3,423,954 to Harnish, et al. ("Harnish") in view of U.S. Patent No. 2,270,934 to Dickieson ("Dickieson") and rejects said claims 1 and 2 under 35 U.S.C. 103(a). Claims 1 and 2 have been canceled herein; thus, Applicant respectfully submits that the Examiner's rejection of claims 1 and 2 under 35 U.S.C. 103(a) is moot. Moreover, Applicant respectfully submits that new claim 7 (and that claims 8-11, each of which depends directly from claims 7) is not obviated by either Cook or Harnish in view of Dickieson. None of the references teach or even remotely suggest providing parallel *ascending* flow within the heat exchanger.

At page 4 of the instant Office Action, the Examiner alleges that claim 3 is obviated by either Cook or Harnish in view of U.S. Patent No. 4,266,405 to Trask ("Trask") and rejects claim 3 under 35 U.S.C. 103(a). Claim 3 has been canceled herein; thus, Applicant respectfully submits that the Examiner's rejection of claim 3 under 35 U.S.C. 103(a) is moot. Moreover, Applicant respectfully submits that new claim 7 (and that claims 8-11, each of

which depends directly from claims 7) is not obviated by either Cook or Harnish in view of Trask. Again, none of the references teach or even remotely suggest providing parallel *ascending* flow within the heat exchanger.

**V. Prior Art Made of Record**

The Examiner has noted other prior art references of record which are cited but not relied upon. Applicant's undersigned counsel has also reviewed these references and agrees that none of these references are more pertinent to the instant invention, as now claimed, than any references cited by the Examiner and discussed previously herein. Therefore, Applicant's undersigned counsel does not feel that further discussion of these references is warranted.

**CONCLUSION**

Applicant respectfully submits that, upon entry of the within amendment, the present application is in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the present application to allowance. However, should the Examiner believe that unresolved issues remain in this case, Applicant respectfully requests an opportunity to discuss this case further, by and through Applicant's undersigned counsel, who may be contacted by telephone at (502) 584-1135.

Respectfully submitted,

MIDDLETON & REUTLINGER

Dated: 3/18/19

  
\_\_\_\_\_  
Daniel C. Stelter, Registration No. 40,830  
Attorney for Applicant  
2500 Brown & Williamson Tower  
Louisville, Kentucky 40202  
(502) 584-1135 phone, (502) 561-0442 fax

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that a true and accurate copy of the foregoing "Response to Office Action Under 37 C.F.R. 1.111 (With Amendment "A" Under 37 C.F.R. 1.121)" was deposited in an envelope addressed to the Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231, with sufficient postage as a first-claim mail item, on this the 18th day of March, 1999.

Sandra K. Dean  
Sandra K. Dean